

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1010 be amended to read as follows:

- 1 Page 13, between lines 18 and 19, begin a new paragraph and insert:
- 2 "SECTION 11. IC 36-1-3-8, AS AMENDED BY P.L.200-2005,
- 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2006]: Sec. 8. (a) Subject to subsection (b), a unit does not
- 5 have the following:
- 6 (1) The power to condition or limit its civil liability, except as
- 7 expressly granted by statute.
- 8 (2) The power to prescribe the law governing civil actions
- 9 between private persons.
- 10 (3) The power to impose duties on another political subdivision,
- 11 except as expressly granted by statute.
- 12 (4) The power to impose a tax, except as expressly granted by
- 13 statute.
- 14 (5) The power to impose a license fee greater than that reasonably
- 15 related to the administrative cost of exercising a regulatory power.
- 16 (6) The power to impose a service charge or user fee greater than
- 17 that reasonably related to reasonable and just rates and charges for
- 18 services.
- 19 (7) The power to regulate conduct that is regulated by a state
- 20 agency, except as expressly granted by statute.
- 21 (8) The power to prescribe a penalty for conduct constituting a
- 22 crime or infraction under statute.
- 23 (9) The power to prescribe a penalty of imprisonment for an
- 24 ordinance violation.
- 25 (10) The power to prescribe a penalty of a fine as follows:

- 1 (A) More than ten thousand dollars (\$10,000) for the violation
- 2 of an ordinance or a regulation concerning air emissions
- 3 adopted by a county that has received approval to establish an
- 4 air program under IC 13-17-12-6.
- 5 (B) For a violation of any other ordinance:
- 6 (i) more than two thousand five hundred dollars (\$2,500) for
- 7 a first violation of the ordinance; and
- 8 (ii) except as provided in subsection (c), more than seven
- 9 thousand five hundred dollars (\$7,500) for a second or
- 10 subsequent violation of the ordinance.
- 11 (11) The power to invest money, except as expressly granted by
- 12 statute.
- 13 (12) The power to order or conduct an election, except as
- 14 expressly granted by statute.
- 15 **(13) The power to:**
- 16 **(A) provide protections; or**
- 17 **(B) grant access;**
- 18 **to a person renting, leasing, or buying private property**
- 19 **greater than those protections or access offered by the**
- 20 **Constitution of the State of Indiana, the Constitution of the**
- 21 **United States, or federal law, except as expressly granted by**
- 22 **statute.**
- 23 **(14) The power to provide:**
- 24 **(A) protections; or**
- 25 **(B) opportunities;**
- 26 **in private employment greater than those protections or**
- 27 **opportunities offered by the Constitution of the State of**
- 28 **Indiana, the Constitution of the United States, or federal law,**
- 29 **except as expressly granted by statute.**
- 30 (b) A township does not have the following, except as expressly
- 31 granted by statute:
- 32 (1) The power to require a license or impose a license fee.
- 33 (2) The power to impose a service charge or user fee.
- 34 (3) The power to prescribe a penalty.

- 1 (c) Subsection (a)(10)(B)(ii) does not apply to the violation of an
- 2 ordinance that regulates traffic or parking."
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1010 as printed January 11, 2006.)

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Representative Thompson